The Samaritan with the Guillotine

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How is it possible for well-intentioned people to do harm? Fifty years ago, James Buchanan (1975) offered one answer to this question, introducing the idea of the "Samaritan's dilemma." The dilemma emerges because the assistance provided by a Samaritan results in undesirable behaviors that perpetuate the suffering that the Samaritan seeks to alleviate. The Samaritan has a desire to help someone in need in order to avoid the displeasure of seeing them suffer. The recipient, realizing the Samaritan's desire to help, may choose to accept the aid while exerting little effort to improve their situation so they no longer require assistance. The dilemma is that although the Samaritan seeks to improve the situation of the recipient, the assistance has the opposite effect.

Buchanan was not the first liberal thinker to be concerned with these issues. Writing three decades before Buchanan, Isabel Paterson (1943) also sought to understand how the desire to engage in charity could cause harm. She began her essay "The Humanitarian with the Guillotine" by noting that "most of the harm in the world is done by good people, and not by accident, lapse, or omission. It is the result of their deliberate actions, long persevered in, which they hold to be motivated by high ideals toward virtuous ends" (p. 235). Her concern was twofold. On the one hand, the embrace of collectivism associated with the justification of state humanitarianism threatened individual freedom. Second, the operationalization of the collectivist-humanitarian impulse through the state threatened broader

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tyranny. Even *if* state action is motivated by benevolent intentions, she notes, it requires the use of coercive force—hence the title of her essay "The Humanitarian with the Guillotine."

In what follows, we discuss and connect Paterson's humanitarian and Buchanan's Samaritan. In doing so we identify five themes that remain relevant: (1) the nature of charity (the transfer of existing wealth versus the production of wealth), (2) differences in the sources of charity (private versus state) and their implications, (3) dependency and its social costs, (4) self-governance and an ethic of individual responsibility, and (5) the importance of rules for overcoming the Samaritan's dilemma and protecting individual freedom.

Our discussion contributes to existing scholarship inspired by Buchanan's Samaritan's dilemma. This includes work that is both theoretical (Lindbeck and Weibull 1988; Pedersen 2001; Lagerlöf 2004; Sescon 2020; Marciano 2022, 2023; Dughera and Marciano 2023; Coyne et al. 2024) and applied (Pasour 1994; Pedersen 1996, 2001; Svensson 2000; Gibson et al. 2005; Wagner 2005; Kumar 2015; Skarbek 2016; Deryugina and Kirwan 2018; Raschky and Schwindt 2016; Goodman and Herzberg 2020). This scholarship does not engage Paterson, which is understandable when we appreciate that she was writing for a general rather than a scholarly audience. At the same time, there is value in reflecting on the insights of both thinkers for those interested in the liberal tradition and in understanding how efforts to do good can result in harm.

The next section provides an overview of Paterson's humanitarian and Buchanan's Samaritan and summarizes key themes in each of these conceptions. We then turn to a more detailed discussion of five themes that remain relevant today. The final section concludes on a note of optimism by connecting to Buchanan's later work on the "soul of liberalism."

The Humanitarian, the Samaritan, and the Guillotine

Paterson's Humanitarian

Isabel Paterson was fully aware of suffering in the world. "Obviously there is a great deal of pain and distress incidental to existence. Poverty, illness, and accident are possibilities which may be reduced to a minimum, but cannot be altogether eliminated from the hazards mankind must encounter" (1943, 238). The question, then, was what is to be done about it. Writing in the shadow of the brutality of totalitarian governments in Russia and Germany, and in the midst of New Deal policies at home in America, Paterson warned of the consequences of what she saw as the increasing willingness of the American people to call upon government to engage in transfers justified on humanitarian grounds.

When a society elevates the desire to help others as its ultimate ethical end, Paterson argues, it leads people to justify the embrace of top-down coercion in the name of the common good. "The objective is to do good to others as a *primary* justification of existence; the means is the power of the collective; and the premise is that 'good' is collective" (1943, 238, emphasis in original). Pursuing the "common good," however, requires empowering some people to decide what that means in practice as well as granting them the means to control others to impose their plan. That power includes the ability to forcibly extract resources and to decide how those resources are distributed and used. In the end, Paterson notes, "what the humanitarian actually proposes is that *he* shall do what he thinks is good for everybody. It is at this point that the humanitarian sets up the guillotine" (1943, 241, emphasis in original).

Force (the guillotine) is necessary to ensure compliance where voluntary acceptance of the humanitarian's plan is absent. Once government is empowered with the humanitarian function, "there is only one way, and that is by the use of the political power in its fullest extension" (1943, 242). When that occurs, the seemingly noble rhetoric of people helping other people becomes, in practice, a form of collectivist tyranny in which the interests and welfare of some are sacrificed for the greater good of the whole (as defined by the humanitarians controlling the guillotine).

The perverse effects of state charity, Paterson argues, are grounded in mistaken ethical premises: "The good people give him [the humanitarian] the power he demands because they have accepted his false premise" (1943, 242). One aspect of this premise is that the collective has the right to take from others as it sees fit, in the name of the "common good." Another is the belief that humanitarian impulses are noble relative to the pursuit of profit through innovation, production, and voluntary exchange. That belief justifies forced transfers of resources while neglecting the far-reaching positive consequences generated through entrepreneurial innovation, which are the source of permanent improvements in human well-being.

In her discussion of humanitarian action, Paterson drew three important distinctions. The first distinguished between charity—the transfer of existing resources—and the positive-sum entrepreneurial process of wealth creation. The second distinction was between private charity, which is voluntary, and state charity, which is compulsory. The third distinction involved the recognition that production precedes charity; in Paterson's view, this fact was recognized in the context of private charity but neglected in state charity.

Buchanan's Samaritan

The Samaritan's dilemma is a general framework applicable to a variety of cases in which one party aids a recipient with the intention of alleviating their suffering. Buchanan's essay was written from a place of pessimism regarding what he saw as the decline of individual responsibility and self-governance in Western countries in the 1960s and 1970s (see Fleury and Marciano 2018). "Stated in the most general terms possible, the hypothesis is that modern man has become incapable of making the choices that are required to prevent his exploitation by predators of his own species" (Buchanan 1975, 74). Buchanan attributed this decline to two factors.

One was economic affluence, which meant that people could more easily afford to indulge their desires to help others. Another was a change in religious beliefs that influenced perceptions and norms of self-discipline and self-responsibility. "The influence of organized religion in earlier periods was exerted in the direction of inhibiting personal behavior that was aimed solely at the gratification of instant desires, whether these be charitable or selfish" (1975, 83). Together, Buchanan argues, these economic and cultural factors contributed to a lack of "strategic courage" on the part of Samaritans to combat exploitative behavior by recipients of assistance.

The logic of Buchanan's framework is straightforward. A Samaritan's commitment to aid another can lead the recipient to reduce their effort to improve their own situation, making them dependent on continued assistance. When that happens, what is supposed to be short-term assistance becomes long-term dependence. The relationship is strategic because, even though the Samaritan prefers for the recipient to exert greater effort to improve their own situation, the recipient actually exerts less effort because they recognize that the Samaritan will continue to provide aid regardless of how the recipient behaves after receiving it.

In addition to highlighting the dynamics at work in the Samaritan-recipient relationship, Buchanan also highlighted an interesting issue related to asymmetry. Given the initial distribution of resources, it might appear that the Samaritan is in a superior position relative to the recipient. What Buchanan showed, however, is that when the Samaritan's dilemma exists, the power dynamics shift, introducing a new, counterintuitive asymmetry. The recipient is able to take advantage of the desires of the Samaritan to avoid seeing others suffer to obtain transfers while reducing the recipient's own effort. In such cases, the exploitative aspect of the relationship is not the Samaritan leveraging their superior position over those in need, but the reverse.

What concerned Buchanan was the cumulative effect of this exploitative relationship on the foundations of a self-governing society of free individuals. As he noted, "a species that increasingly behaves, individually and collectively, so as to encourage more and more of its own members to live parasitically off and/or deliberately exploits its producers faces self-destruction at some point in time. Unless an equilibrium is established which imposes self-selected limits on Samaritan-like behavior, the rush toward species destruction might accelerate rather than diminish" (1975, 84).

Unlike Paterson, Buchanan did not make clear distinctions regarding whether the Samaritan represented private or state-provided charity. His framework was general, suggesting that the Samaritan's dilemma may exist in either setting. Like Paterson, he emphasized the importance of ethics and individual responsibility. For Buchanan, escaping the dilemma requires the Samaritan to possess "strategic courage" (1975, 75) and an "individual ethic of responsibility" (80) to withhold assistance when it will result in the recipient exploiting the Samaritan's goodwill. Doing so can be difficult because refraining from helping, even if the Samaritan is fully aware of the dilemma of helping, may cause the Samaritan immediate disutility as they see a fellow human being suffer.

Buchanan also highlights the potential of rules to avoid the dilemma by establishing a credible commitment for the Samaritan to withhold transfers in exploitative situations. For instance, the Samaritan might delegate decision-making to a third party with instructions to withhold assistance under certain circumstances (1975, 77–78). Where effective institutional rules exist, they can resolve the dilemma by binding the Samaritan and limiting the transfer of assistance to recipients who exert little effort. This mitigates the Samaritan's desire to give aid in exploitative situations to avoid having to see others suffer.

The Samaritan with the Guillotine Today

Both Paterson and Buchanan recognize that efforts to do good could end up doing bad. The perverse effects could be far-reaching and erode the foundations of a society of free and self-governing people. The two had different points of emphasis in their respective analyses of charity, but taken together, their combined work offers five themes that remain relevant.

The Relation Between Production and Charity

The first theme relates to the nature of charity in relation to production. Charity entails the transfer of existing wealth rather than the creation of new wealth. For that reason, wealth production must precede charity in order for there to be resources to transfer. As Paterson notes, the "great religions . . . have always recognized the conditions of the natural order. They enjoin charity, benevolence, as a moral obligation, to be met out of the producer's surplus. That is, they make it *secondary to production*, for the inescapable reason that without production there could be nothing to give" (1943, 239, emphasis in original). The work of the Samaritan is ultimately redistribution of existing resources and cannot replace the work done by the entrepreneur in creating wealth.

That production must precede charity clarifies the outer limits of what the Samaritan can hope to achieve. The Samaritan can provide short-term assistance by transferring existing resources but cannot create new wealth directly through transfers (Coyne 2013). In addition, the Samaritan is constrained by the existing wealth available to them at a particular point in time.

To illustrate the different effects of charity versus wealth creation, Paterson contrasts a private philanthropist who provides aid to a struggling individual with a private capitalist who offers the same person a job. Many people would view the former's provision of aid as a noble and moral act compared to the job offer. As Paterson notes, however, when the recipient "has used them [the philanthropist] up, he is just where he was before, except that he may have acquired the habit of dependence" (1943, 248). In contrast, "the employer has not done a good [charitable] deed. Yet the condition of the employed man has actually been changed" (248).

This insight is important for understanding the connection between charity and wealth creation. Charity cannot replace wealth creation; instead, charity is the result of productive activities that create wealth that can then be transferred. Moreover, Paterson reminds us that while it is common to think of charitable transfers as noble relative to for-profit production, this perspective misses a crucial point. For-profit wealth creation is *necessary* for charitable transfers while also creating opportunities for people to improve their own situations in a way that is sustainable through time.

The Source of Charitable Funds

A second theme is the difference in the funding source of charity—private versus the state—and the implications. Private charity entails the voluntary transfer of wealth. The private Samaritan must rely on their own wealth, which they transfer to the recipient, or on the voluntary donations of others to support their charitable work. As Paterson notes, "since the almoner must obtain the funds or goods he distributes from the producers, he has no authority to command; he must ask" (1943, 237). In other words, the private Samaritan does not have legal recourse to employ the guillotine to obtain funds and must rely on voluntary transfers of resources to engage in charitable activity.

The state Samaritan, in contrast, can legally invoke compulsion to obtain charitable funds. Relying on the humanitarian justification, the state Samaritan is able to extract resources from the private sector rather than relying on voluntary transfers. In the private setting, Samaritans have no legal claim to the resources of others and must convince others that those resources should be transferred. The difference, Paterson argues, is that in the case of private charity "it cannot be supposed that the producer exists only for the sake of the nonproducer, the well for the sake of the ill, the competent for the sake of the incompetent; nor any person merely for the sake of another" (1943, 239). In her view, there are fundamental and important differences in the mentality and ethical foundations of private versus state charity.

The state Samaritan's reliance on forcible transfer of resources to engage in charitable activities raises two important issues. One is the opportunity cost of the resources extracted from the private sector. These resources might have been used in for-profit exchanges; they also might have been employed by private Samaritans to meet the needs of people. In either case, those potential gains go unrealized. The implicit assumption is that state Samaritans have superior knowledge of how to use scarce resources relative to their alternative uses. State Samaritans, however, lack the knowledge of how the extracted resources would have been used. They also lack the incentive to care, since they do not incur the full cost of their actions and have access to the guillotine, which alleviates them from having to convince the "donor" (i.e., the taxpayer) that the state Samaritan's charitable use of the resources is preferable to the alternative.

The second issue relates to changes in the scale and scope of government. "Scale" refers to the size of government as captured in monetary outlays. A system of government transfers entails incurring a range of costs, from labor to overhead, in order to operate. As the state Samaritan's portfolio of activities expands, these costs will increase.

"Scope," which is nonmonetary, refers to the range of activities undertaken by government. When the government takes on the role of Samaritan, it must also expand the range of activities it undertakes in terms of collecting information on citizens. For instance, transactions and incomes must be monitored by the state in order to ensure that producers are taxed correctly and to monitor any efforts to engage in black-market activity. The activities of recipients of government transfers must also be monitored to ensure compliance with bureaucratic mandates. In general, the legal right of government to extract and redistribute resources implies the legal right to monitor and collect detailed data on people, including their actions, relationships, and assets. The result is a more expansive state, going beyond the mere transfer of resources to curtail individual freedom from government oversight (Browning 2002, 512–14; Higgs 2004, 27).

State Samaritan activity may affect both aspects of government: scale and scope. As state Samaritan behavior becomes a normalized function of government, it encourages continued expansion, driven by both supply- and demand-side factors. On the supply side, those within the state Samaritan apparatus have an incentive to expand their transfer activities in order to secure more resources and power within government (see Tullock 1965; Niskanen 1971). On the demand side, once the state is established as a reliable Samaritan, more people outside of the government have an incentive to secure a part of the transfer action.

In addition, depending on the type of state Samaritan activity, coercion may be required not just to extract resources but also to impose outcomes on others. Nation building through military occupation is one example of this logic. In general, foreign interventions can reduce individual freedom at home and abroad by increasing the overall size of government (see Coyne and Hall 2018; Coyne 2022) while also creating Samaritan's dilemmas between various international organizations and recipients (see Coyne et al. 2024).

The Social Costs of Dependency

A third theme is dependency and its social costs. In his original article, Buchanan (1975) discussed instances in which a recipient becomes dependent on the Samaritan for the continued distribution of assistance. While he realized that there could be significant social costs to this dependence, he never discussed how individual dependency could compound at the social level. There are two potential channels.

One is that individual reliance on assistance may reduce, on the margin, the value of a person engaging in wealth-creating activities. That might involve earning less income directly in terms of number of hours worked. Alternatively, it might take the form of a person's investing less, on the margin, in skills or other activities that would raise future productivity (Higgs 2004, 22–24). The result may be that society as a whole has less wealth, both in the immediate term and in the future (Browning 2002, 518–19).

The other channel is that as state Samaritans become an increasingly viable means of earning income, so too do efforts to secure a portion of their resources. The discretionary power associated with state Samaritan activities—determining who is eligible and how much they receive—encourages efforts to influence and placate decision-makers. The "fiscal commons" nature of the welfare state budget, as a pool of resources with weak restrictions on access, means that people will compete to secure a portion of the available resources before others are able to do so (Jakee and Turner 2002). Together, these realities open the door to economically unproductive activities associated with interest group politics, rent seeking, and rent extraction (see Buchanan et al. 1980; Olson 1982). As these dynamics play out, the result is a "churning state," characterized by a web of taxation and redistribution among competing factions, which, on net, undermines society's wealth and economic vitality (de Jasay 1985).

A concrete example of what that situation might look like was offered by Charles Warren (1932), who argued that as the interpretation of "general welfare" expanded in American politics, so too did the role of Congress as Santa Claus. As he put it, "if a law to donate aid to any farmer or cattleman who has had poor crops or lost his cattle comes within the meaning of the phrase 'to provide for the General Welfare of the United States,' why should not similar gifts be made to grocers, shopkeepers, miners, and other businessmen who have made losses through financial depression, or to wage earners out of employment? Why is not their property equally within the purview of the General Welfare?" (1932, 120). As Warren's question suggests, what constitutes state Samaritan activities is now so broad and ill-defined that it opens the door to political jockeying and conflict between groups (Browning 2002, 524; Higgs 2004, 24). The result is the churning state of political competition to secure scarce resources and mutually reinforcing dependencies between state Samaritans and various members of the public.

Self-Governance and Individual Responsibility

The fourth theme relates to self-governance and the ethics of individual responsibility. Both Paterson and Buchanan recognized the important role of charity in human society. At the same time, they were aware that there was a thin line between the desire to help others and the potentially harmful effects of doing so on both specific individuals and the broader fabric of a free society. A commitment to an ethic of individual responsibility, Buchanan argued, was crucial to fostering the "strategic courage" necessary to mitigate the pathologies of the Samaritan's dilemma.

These issues were a concern to Buchanan throughout his career. Thirty years after the publication of "The Samaritan's Dilemma," he emphasized that a self-governing society is not possible when people are "afraid to be free" (Buchanan 2005). The reason is that "persons who are afraid to take on independent responsibility that necessarily goes with liberty demand that the state fill the parental role in their lives. They *want* to be told what to do and when to do it; they seek order rather than uncertainty, and order comes at an opportunity cost they seem willing to bear" (2005, 24, emphasis in original). Buchanan differentiated between "paternalism," in which the state directs people to do something different from what they would otherwise do, and "parentalism," in which people demand that the state tell them what to do in the same way as a parent directs a child.

When people turn to top-down parentalism, it has two effects. One is that the skills and attitudes required for self-governance atrophy because citizens have relieved themselves of the responsibility of having to develop these aspects of their lives. As that change occurs, people will become less capable of self-reliance and come to expect the state to provide them with resources and services. Once established, parentalist attitudes will tend to be self-reinforcing. The reason is that as members of one generation embrace state parentalism, they serve as an example for subsequent generations, who will also learn to expect government to treat them as a mother hen treats her chicks.

A second effect relates to another type of dependency—a "churning state dependency." As more and more people become part of the state Samaritan web, they have a personal vested interest in seeing its continuation and expansion. One cost of dependence on the state, therefore, is that it tends to weaken opposition to government activities, setting the stage for further increases in the overall size (scale and scope) of the state, which are welcomed by the citizenry.

The Importance of Institutional Arrangements

The final theme is the importance of rules in overcoming the Samaritan's dilemma. Buchanan (1975) emphasized that while an ethic of individual responsibility is important for fostering strategic courage, it may need to be codified through institutional arrangements to credibly tie the hands of Samaritans who might otherwise be tempted to indulge their charitable impulses. That approach is consistent with Buchanan's career-long emphasis on the role that rules play in governing human life (Marciano 2023).

Institutionalizing strategic courage requires three conditions (Schmidtchen 2002; Skarbek 2016). The first is a recognition of the dilemma by the Samaritan. The second is the selection of rules that account for the welfare of recipients and donors not only in the immediate term but also in the long term. These rules appreciate that under certain circumstances it makes sense to withhold aid for the good of the donor and the recipient. Finally, the rules must be credible in order to prevent the Samaritan from indulging their short-term preference to help irrespective of the effort by the recipient. The way that these three conditions manifest will depend on the specific context, as illustrated by historical cases of success in the private provision of poor relief in urban Chicago in the mid to late 1800s (Skarbek 2016) and in the private provision of welfare by the Church of Jesus Christ of Latter-day Saints (Goodman and Herzberg 2020).

The different environments within which state and private charitable activity takes place are important for the type of rules that may emerge. Private charities provide the possibility of a type of residual claimancy by private owners, competition, and the creative design of selection filters to sort for people who align with the organization's goals and rules (Skarbek 2016, 375–76). The rules governing state assistance, in contrast, "are less likely to remain self-enforcing under the pressures of time and place imposed by Samaritan's Dilemmas" (Skarbek 2016, 375). Although there is no guarantee that private charities will resolve the Samaritan's dilemma, the environment within which private Samaritans act creates space for the possibility of the creative design of institutional arrangements to mitigate the concerns raised by Buchanan. At the same time, reliance on private Samaritans maintains the voluntary aspect of transferring charitable resources, mitigating Paterson's concern that state humanitarianism threatens individual liberty.

Conclusion

Both Paterson and Buchanan wrote their original essays from a place of pessimism regarding the direction of America and of Western countries more broadly. Later in his career, however, Buchanan (2000) offered reason for hope in his call to reinvigorate the "soul" (by which he meant the animating principles) of liberalism. In Buchanan's view, purely utilitarian insights, although analytically useful, were not enough to excite the minds of the citizenry. What was needed was "a vision of that which might be, and which as such offers the ideal that motivates support for constructive change" (Buchanan 2000, 115). Buchanan's call for such a vision has important implications for the themes discussed earlier and their relevance today. Avoiding the potential pathologies of assistance highlighted by Paterson and Buchanan ultimately comes down to citizens' beliefs about their relationship to one another and to the state. Both Paterson and Buchanan recognized this point, albeit in different language. Both noted the importance of an ethic of individual responsibility for avoiding the harmful effects of trying to do good while maintaining individual freedom.

From this perspective, optimism is to be found in the actions of ordinary people committed to the principles of a self-governing society. The entrepreneurial activities of free people create wealth through markets, leading to improvements in overall welfare. At the same time, human creativity fosters innovations in the effective provision of assistance to those in need. The operation of self-governing arrangements requires that people possess both a "desire for liberty from the coercive power of others" and "the absence of desire to exert power over others" (Buchanan 2000, 117). While Paterson and Buchanan remind us of the potential downsides of assisting others, their core message is one of hope regarding what free people can achieve if they so desire.

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